

REMARKS

Claims 1-4 and 19-24 are pending in this application. In the Office Action dated August 11, 2005, Claims 1, 3, 4, 19, 22 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,701,348 to Shennib *et al.* ("Shennib"), and Claims 2, 20 and 24 were rejected under 35 U.S.C. § 103 as being obvious over Shennib. Claim 21 was objected to as being dependent upon a rejected base claim, but was found to be allowable if rewritten in independent form to include all of the limitations of its base claim and any intervening claims.

With the entry of the present amendment, Claims 1, 19, 21 and 22 have been amended. Allowable Claim 21 has been rewritten in independent form, incorporating essentially identical limitations of base Claim 19 and intervening Claim 20. Claim 19 has also been amended to specify that the hearing aid shell comprises a rigid or semi-rigid member. Support for this amendment can be found in the Specification at, for example, p. 5, lines 3-13. It is believed that this amendment will not affect the previous indication of allowability of Claim 21, since the Examiner found Claim 21 to be allowable despite also stating that the feature of a hearing aid body being comprised of a "semi-rigid" shell was not, in the Examiner's opinion, a novel feature. (See August 11, 2005 Office Action, ¶ 2). Therefore, it is believed that Claim 21 should be allowed.

Claims 1, 19, 21 and 22 have been similarly amended to specify that the hearing aid shell comprises a rigid or semi-rigid material. In addition, Claims 1 and 22 have been amended to recite that "the shell [contains] a permanently wired battery and the hearing aid body [is] adapted to be disposable," and Claim 19 has been amended to recite that "the hearing aid components [include] a permanently wired battery and the hearing aid body is adapted to be disposable." These limitations are substantially identical to the subject matter of previously-presented Claim 21, and are supported in the Specification at, for example, page 9, lines 9-14.

No new matter has been added by way of these amendments.

It is believed that these amendments place all claims in condition for allowance. The features of a hearing aid shell containing a permanently wired battery and the hearing aid being disposable are clearly not taught or suggested in the cited Shennib patent. The Shennib reference describes hearing aids having a battery compartment 15 with an external opening or door (see,

e.g., Figs. 3 and 6A-8B), which unequivocally suggests a conventional non-disposable hearing aid requiring frequent battery replacement. In the Office Action, the Examiner implicitly recognized the patentability of the present hearing aid shell containing a permanently wired battery and the hearing aid being disposable by finding Claim 21 allowable, which was the previously the only claim that included these features. Since all claims have now been amended to include these features, it is respectfully submitted that Claims 1-4 and 19-24 are all allowable.

In addition, the applicants respectfully submit that the cited Shennib reference fails to teach or suggest at least one other limitation of the present claims. More specifically, it is submitted that Shennib fails to teach or suggest a hearing aid shell that is “shaped to conform to at least a first bend in an ear canal of a typical user,” as is recited in all claims of the present application. Shennib does not teach or suggest a shell that conforms to at least the first bend of the ear canal. Shennib describes an entirely different hearing aid design that consists of two separate housings or shells, main module 12 and receiver module 50, which are joined by connector 50. Shennib explicitly teaches that these components are “non-contiguous.” (See col. 4, lines 45-47). Neither the main module 12 nor the receiver module 50 conform to the first bend in the ear canal. The connector 50 is essentially just a thin straight shaft (see, e.g., Figs. 3-5, 19-20, 23-32), and does not “conform” to the first bend in the ear canal. Shennib employs a hearing aid having “highly articulated” non-contiguous parts in order to accommodate bends in the ear canal. This is different from the present claims, which recite a hearing aid shell that is “shaped to conform to at least a first bend in an ear canal of a typical user.” Therefore, it is believed that Claims 1-4 and 19-24 are novel and non-obvious over Shennib based on this limitation.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

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